

REMARKS

I. Introduction

This amendment is filed in response to the non-Final Office Action November 22, 2004 for the above-identified patent application. Claims 1-8 and 10 are currently pending and have been rejected under either or both of 35 U.S.C. § 103 and § 112.

Claim 1 has been amended to include a quantitative limitation of “between about 0.1 and about 0.3 parts by weight of” before alkylaryl sulfonate salts. Support for the upper limit of the range can be found in the specification at page 10, line 22, which discloses a range of 0.2-0.6. Since the claimed upper limit falls within the range, the amended limitation is fully supported by the specification. *See In re Wertheim*, 541 F.2d 257, 191 U.S.P.Q. 90 (C.C.P.A. 1976) (holding claimed limitation “between 35% and 60%” is supported by disclosure of “25-60%”); *Eiselstein v. Frank*, 52 F.3d 1035, 34 U.S.P.Q.2d 1467 (Fed. Cir. 1995) (reversing the Board’s rejection of inadequate written disclosure due to lack of the claimed word “about” in the specification). Furthermore, the lower limit is also supported by the specification at page 16, line 18, which discloses use of 0.1 part by weight of the emulsifier.

Similarly, new Claim 11 is also fully supported by the specification.

The Applicants have also amended Claims 2 and 3 to clarify the claims by replacing the term “within the range of 0.004” with “about 0.004 or less.”

II. Rejections Under 35 U.S.C. § 112 Should Be Withdrawn

Claims 2 and 3 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite especially with respect to the term, “within the range of 0.004.”

In light of the amendments made to Claims 2 and 3, it is believed that Claims 2 and 3 are now definite and that this ground of the rejection should be withdrawn.

III. Rejection Under 35 U.S.C. § 103 Should Be Withdrawn

Claims 1-8 and 10 have been rejected under 35 U.S.C. §103 as being unpatentable over Minoru et al. (JP 2000-178405).

The present invention provides a process for preparing thermoplastic transparent resins having superior moisture and heat resistances along with other properties. These superior moisture and heat resistances were achieved by selecting a particular class emulsifier in the combination of the claimed process conditions. Meanwhile, Minoru et al. discloses a resin designed to have good mold ability, color, balance of impact strength and rigidity and does not teach effects of selecting an emulsifier for the moisture and heat resistance. Conversely, Minoru et al. explicitly teaches away selecting a particular emulsifier by stating “there is especially no limit in the emulsifier used for this emulsification graft polymerization and various kinds of surface active agents can be used.” See paragraph 3. Moreover, Minoru et al. failed to teach or suggest one of skill in the art the quantity limitation of the emulsifier as being currently amended.

As shown in the comparative examples submitted in this declaration, the present invention clearly exhibits superior moisture and heat resistance, compared to other emulsification. Even only excess one part by weight of alkylaryl sulfonate salt could adversely affect the resin’s moisture and heat resistance. (See Comparative Example A). Moreover, Comparative Examples B and C show that mere smaller amount of the emulsifier would not cause the instant high moisture and heat resistances (Example B) or that just any emulsifier would not provide the desired moisture and heat resistances (Example C). There is no teaching or suggestion, therefore,

in Minoru et al. with reasonable expectation of success to modify its disclosed process to that of the present invention.

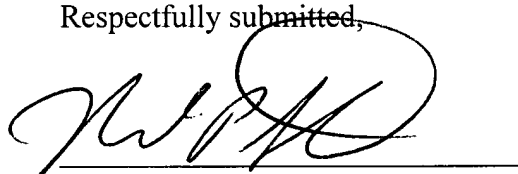
Responding to the rejection of the claim under § 103, applicants respectfully submit, in view of the facts set forth in the enclosed 37 C.F.R. § 1.132 Declaration along with the current amendments to the claims and the above remarks, that the ground for the § 103 rejection has been overcome.

Accordingly, applicants respectfully request withdrawal of the rejection.

V. Conclusion

In view of the foregoing amendments and remarks, allowance of the pending claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Neil P. Sirota', is written over a horizontal line.

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